

**PCT**

NOTIFICATION CONCERNING  
 TRANSMITTAL OF COPY OF INTERNATIONAL  
 PRELIMINARY REPORT ON PATENTABILITY  
 (CHAPTER I OF THE PATENT COOPERATION  
 TREATY)  
 (PCT Rule 44bis.1(c))

To:

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Applicant's or agent's file reference

069225.0152 475387-14

**IMPORTANT NOTICE**

International application No.  
 PCT/US2004/010152

International filing date (day/month/year)  
 31 March 2004 (31.03.2004)

Priority date (day/month/year)  
 31 March 2003 (31.03.2003)

Applicant

THE GENERAL HOSPITAL CORPORATION et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO  
 34, chemin des Colombettes  
 1211 Geneva 20, Switzerland

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## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 069225.0153	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/US2004/010152	International filing date ( <i>day/month/year</i> ) 31 March 2004 (31.03.2004)	Priority date ( <i>day/month/year</i> ) 31 March 2003 (31.03.2003)]	
International Patent Classification (IPC) or national classification and IPC 7 G01B 9/02			
Applicant THE GENERAL HOSPITAL CORPORATION			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report   |
| <input type="checkbox"/> Box No. II           | Priority  |
| <input type="checkbox"/> Box No. III          | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/> Box No. IV           | Lack of unity of invention  |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI           | Certain documents cited   |
| <input type="checkbox"/> Box No. VII          | Certain defects in the international application  |
| <input type="checkbox"/> Box No. VIII         | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

		Date of issuance of this report 01 October 2005 (01.10.2005)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland		Authorized officer  Masashi Honda
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# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

**PCT**

REC'D 23 DEC 2004  
WIPO PCT

To:  
GARY ABELEV  
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NEW YORK, NY 10112-4498

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year)

20 DEC 2004

Applicant's or agent's file reference  069225.0153		<b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No.  PCT/US04/10152	International filing date (day/month/year)  31 March 2004 (31.03.2004)	Priority date (day/month/year)  31 March 2003 (31.03.2003)	
International Patent Classification (IPC) or both national classification and IPC  IPC(7): G01B 9/02 and US Cl.: 356/479			
Applicant  THE GENERAL HOSPITAL CORPORATION			

**1. This opinion contains indications relating to the following items:**

- |                                     |                          |                          |                          |                                     |  |                          |                          |
|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> |
| Box No. I                           | Basis of the opinion     |                          |                          | Box No. V                           | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |                          |                          |
|                                     |                          |                          |                          | Box No. VI                          | Certain documents cited  |                          |                          |
|                                     |                          |                          |                          | Box No. VII                         | Certain defects in the international application   |                          |                          |
|                                     |                          |                          |                          | Box No. VIII                        | Certain observations on the international application  |                          |                          |

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA/ US  Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450  Facsimile No. (703) 305-3230	Authorized officer  Samuel A. Turner <i>Sam A. Turner</i>  Telephone No. 703-308-0956
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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/10152

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- a sequence listing  
 table(s) related to the sequence listing

b. format of material

- in written format  
 in computer readable form

c. time of filing/furnishing

- contained in international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.

3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/10152

**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims <u>2-10, 14-20, and 24</u>	YES
	Claims <u>1, 11-13, 21-23, 25, and 26</u>	NO
Inventive step (IS)	Claims <u>2-10, 14-20, and 24</u>	YES
	Claims <u>1, 11-13, 21-23, 25, and 26</u>	NO
Industrial applicability (IA)	Claims <u>1-26</u>	YES
	Claims <u>NONE</u>	NO

**2. Citations and explanations:**

Claims 1, 11-13, 21-23, 25, and 26 lack novelty under PCT Article 33(2) as being anticipated by Waelti et al(WO 01/38820).

Waelti et al teach an interferometer sample arm that contains an arrangement(120) for providing a delay in at least one of two radiations.

Claims 2-10, 14-20, and 24 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest generating a plurality of images based on the radiations of the sample arm and a reference arm.